



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,299	12/18/2001	Koichi Iijima	011660	4119

23850 7590 10/19/2004

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT PAPER NUMBER

2122

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/017,299

Applicant(s)

IJIMA, KOICHI

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/18/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the application filed December 18, 2001.
2. Claims 1-19 have been examined.

#### *Priority*

3. Receipt is acknowledged of requisite priority papers submitted July 11, 2002, which have been placed of record in the file.

The priority date considered for this application is therefore July 13, 2001.

#### *Information Disclosure Statement*

4. Receipt is acknowledged of the Information Disclosure Statement dated December 18, 2001. It has been placed in the application file and the information referred to therein has been considered.

#### *Oath/Declaration*

5. Receipt is acknowledged of a properly signed oath/declaration filed May 28, 2002.

#### *Drawings*

5. The drawings are objected to because of the following minor informalities: in Figure 11, the destination of arrows S4-3 and S4-5 is missing.

Correction is required.

#### *Specification*

6. The Abstract is objected to because of the following minor informalities:

- a. an article such as – an – should be inserted before “electronic equipment” in line 1;
- b. the use of the modifier “opposite” in lines 6 and 9 is ambiguous and confusing;
- c. the phrase “either one electronic unit” should be changed to – either one of the electronic units – .

### *Claim Objection*

7. Claims 4, 12, 14 are objected to because of the following informalities: in claims 4 (line 3), 12 (lines 3 and 5), 14 (line 3), the verb “comprises” should be – comprise – to agree with the subject “version data;” which is in plural;

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

8. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-3, 6-13, 16 and 18-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Lack of antecedent basis:

Claim 1 (line 7) recites the limitation “the second electronic unit.” There is insufficient antecedent basis for this limitation in the claim.

Claim 2 (line 2) recites the limitation “said each plurality of electronic units.” There is insufficient antecedent basis for this limitation in the claim. The

limitation “said each plurality of electronic units” should be changed to – each one of said plurality of electronic units – in order to have proper antecedent basis.

Claims 3 (line 2), 6 (line 2), 7 (line 2), 8 (line 6), 9 (line 2) recite the limitation “said either one electronic unit.” There is insufficient antecedent basis for this limitation in the claim. The limitation “said either one electronic unit” should be changed to – either one of said first and second electronic units – in order to have proper antecedent basis.

Claim 11 recites the limitation “the compatibility” in lines 1 and 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation “said compared results” in lines 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation “said first and support version data” in line 2. There is insufficient antecedent basis for this limitation in the claim. Furthermore, the claim language is unclear because it is not understood whether – said first version data – or – said first version data and said first support version data – is claimed.

Claims 8 (line 8) and 18 (line 5) recite the limitation “said control programs.” There is insufficient antecedent basis for this limitation in the claim. Which “control programs” (plural) are being referred to since there is only one “said control program” (singular) recited previously?

Claim 18 (line 7) recites the limitation “said electronic unit.” There is insufficient antecedent basis for this limitation in the claim. Which “electronic unit” is being referred to: “one electronic unit” (line 5 of claim 11), “another electronic unit” (line 8 of claim 11), any other electronic units among the plurality of electronic units?

Claim 19 (line 2) recites the limitation “said changing step.” There is insufficient antecedent basis for this limitation in the claim.

b. unclear and indefinite claim language:

Claims 1 and 10: the modifier “opposite” of the “second electronic unit” is found to be confusing and misleading. It is not clear as to what “opposite” really means.

Claim 1: the limitation “*wherein at least either one of said first electronic unit and said second electronic unit compares the magnitude of said first version data and said second support version data, compares the magnitude of said second version data and said first support version data and verifies the compatibility between said plurality of electronic units from a great and small relationship according to both compared results*” is confusing. For art rejection purposes, this limitation is interpreted as follows: – wherein the magnitude of the version data is being compared and the results being verified for compatibility –.

Claim 3: the limitation “*wherein said either one electronic unit verifies the compatibility after either electronic unit of said first electronic unit or said second electronic unit is substituted*” is confusing. For art rejection purposes, the limitation is interpreted to mean the following: – wherein compatibility verification is performed when either one of the electronic units is substituted –.

Claims 6 and 16: the limitation “*wherein said either one electronic unit changes said version of the control program when verified as incompatibility to automatically shift a proper version having the compatibility*” is confusing. For art rejection purposes, the limitation is interpreted to mean – wherein a compatible version of the control program is automatically installed when incompatibility is detected –.

Claim 13: the limitation “*either one electronic unit of said first*

*electronic unit or said second electronic unit is substituted*’ is confusing. For art rejection purposes, claim 13 is interpreted to mean – said compatibility verification is performed after either one of said plurality of electronic units is substituted –.

### *Claim Rejections – 35 U.S.C. § 102*

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,  
except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

11. Claims 1-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. U.S.2002/0001100 A1 by Kawanabe.

### **Claims 1, 10 and 11**

Kawanabe discloses at least:

*a first electronic unit having a first version data of said first electronic unit itself, and first support version data of an opposite second electronic unit being supported by said first electronic unit (see at least Figure 1, item 200 and related discussion in the specification); and*

*the second electronic unit having a second version data of said second electronic unit itself, and a second support version data of the opposite first electronic unit being supported by said second electronic unit, wherein at least either one of said first electronic unit and said second electronic*

*unit compares the magnitude of said first version data and said second support version data, compares the magnitude of said second version data and said first support version data and verifies the compatibility between said plurality of electronic units from a great and small relationship according to both compared results (see at least Figure 1, item 30; sections [0543] to [0549]).*

#### **Claims 2, 12 and 17**

Kawanabe further discloses:

*a memory for storing control program (see at least section [0542]); and  
a processor for executing said control program, and wherein said version data  
comprises the version data of said control program (see at least sections [0542-0547]).*

#### **Claims 3, 13 and 18**

Kawanabe further discloses *wherein said either one electronic unit verifies the compatibility after either electronic unit of said first electronic unit or said second electronic unit is substituted (see at least Figure 25, step S260 and related discussion in the specification).*

#### **Claims 4 and 14**

Kawanabe further discloses *wherein said first and second support version data comprise a newest support version data (see at least Figure 25, step S263; Figure 27, step S290; and related discussion in the specification).*

#### **Claims 5 and 15**

Kawanabe further discloses *wherein said plurality of electronic units are constituted by printer controller units (see at least section [0542]).*



### Claims 6 and 16

Kawanabe further discloses *wherein said either one electronic unit changes said version of the control program when verified as incompatibility to automatically shift a proper version having the compatibility* (see at least Figure 27, step S293 and related discussion in the specification).

### Claims 7 and 19

Kawanabe does not specifically disclose *wherein said either one electronic unit controls a valid or invalid of a difference information in the control program comprised an old control program and said difference information between the old control program to change said version of said control program*. However, this step is deemed inherent to Kawanabe's step of checking compatibility (see at least Figure 27, steps S291-293). If there is no difference information then there is compatibility and no need for versioning up.

### Claim 8

Kawanabe further discloses:

*a memory for storing control program* (see at least section [0542]); and  
*a processor for executing said control program, wherein said either one electronic unit verifies the compatibility using said version data of said control programs after said control program version is changed to maintain the compatibility between said control programs* (see at least sections [0542]-[0549]).

### Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:00 to 16:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

After October 25, 2004, the Examiner can be reached at (571) 272-3701 and the Examiner's supervisor at (571) 272-3695.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

Art Unit 2122

October 13, 2004